

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JEFFREY K. DAY,

Petitioner,

v.

JUDY McCULLOUGH and ELDON VAIL,

Respondents.

No. C10-5264 BHS/KLS

ORDER DIRECTING RESPONDENT TO  
SUBMIT TRIAL TRANSCRIPTS

This habeas corpus action has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 1, 3 and 4. Respondents filed a Response to the Petition for Writ of Habeas Corpus along with the relevant state court record. Dkts. 12 and 13. However, Respondents state that the files obtained from the Washington Court of Appeals did not contain a copy of the transcripts from Petitioner's state court trial proceedings. Dkt. 3, p. 3. Respondents further state that they will obtain copies of the trial transcripts and submit them to the court and to Petitioner. The court is unable to complete its review of the petition without the transcripts.

Accordingly, it is **ORDERED:**

1 (1) Respondents shall provide the trial court transcripts to the court and to Petitioner  
2 **on or before November 5, 2010.**

3 (2) The Clerk shall **re-note** the Petition for Writ of Habeas Corpus (Dkt. 1) for  
4 **November 5, 2010.**

5 (3) The Clerk shall send copies of this Order to the Petitioner and to counsel for the  
6 Respondents.  
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8 DATED this 4th day of October, 2010.

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11 Karen L. Strombom  
12 United States Magistrate Judge  
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